

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. 1:23-cv-56-HSO-BWR

ONE (1) GLOCK 26, 9MM CALIBER PISTOL,
SERIAL NO. ACVX166, WITH ONE (1) 9MM
CALIBER MAGAZINE, AND TWELVE (12)
ROUNDS OF AMMUNITION, ET AL.

DEFENDANT PROPERTY

DEFAULT JUDGMENT OF FORFEITURE

Before the Court is United States of America's Motion[10] for Default Judgment of Forfeiture. Having considered the Motion and the relevant statutes and jurisprudence in this matter, this Court finds that the relief the United States seeks has merit and should be granted. This Court further finds and adjudicates as follows:

1. On February 28, 2023, the United States filed a Verified Complaint for Forfeiture *in Rem* [1], alleging that the Defendant Property is subject to forfeiture under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

2. On March 3, 2023, the Court issued a Warrant of Arrest *in Rem* [4], which was executed on March 6, 2023. *See* Executed Warrant of Arrest in Rem, [5].

3. Under Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States served direct written notice of this civil asset forfeiture action, including copies of the Verified Complaint for Forfeiture *in Rem* [1], Application for Warrant of Arrest *in Rem* [3],

Warrant of Arrest *in Rem* [4], and Notice of Complaint for Forfeiture [2], to all potential claimants reasonably known to the United States, as evidenced by the United States' Proof of Service [7]. As noted in the Notice of Complaint for Forfeiture, however, Traven Tyvaughn Andrus agreed to forfeit the defendant property and waived his right to notification for any forfeiture proceedings. Therefore, notification to him is not necessary. *See* Plea Supplement [9], *United States v. Andrus*, 1:22-cr-113; Waiver of Notice and Disclaimer for Traven Tyvaughn Andrus (attached as Exhibit A [10-1]).

4. Beginning on March 14, 2023, the United States published for thirty (30) consecutive days on an official government internet website at www.forfeiture.gov, notice of the instant case, as evidenced by the Proof of Publication [6].

5. The aforementioned publication and direct notices informed Terrence Hayes, Albert Craft, George Price, and all other persons or entities, known or unknown, having or claiming an interest in the Defendant Property that the Defendant Property had been arrested and that this instant civil forfeiture action was pending. The publication and direct notices also informed said persons and entities that they had thirty-five (35) days after being sent direct notice or sixty (60) days after the first date of the published notice to file a claim, and twenty (21) days thereafter to file an answer. Furthermore, the notice referred any such persons or entities to Rule G(5) of the Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and warned that if this Supplemental Rules were not

strictly followed, the Court could strike any claim and answer and enter default judgment of forfeiture or summary judgment against any improperly claimed interest in the Defendant Property.

6. The United States took all reasonable measures to ensure that Terrence Hayes, Albert Craft, George Price, and all other possible claimants received such notice in a timely fashion.

7. As of this date, no claims, answers, or appearances have been filed to assert an interest in the Defendant Property, or to otherwise defend against this instant forfeiture action, by Terrence Hayes, Albert Craft, George Price, or any other person or entity. Thus, the time pursuant to Supplemental Rule G, for Terrence Hayes, Albert Craft, George Price, or any other person or entity to file a valid claim and answer in this action has lapsed.

8. As such, Terrence Hayes, Albert Craft, George Price, and all other possible claimants are in complete and total default in accordance with Local Rule G(8)(b) and Federal Rules of Civil Procedure 55(b).¹ The Clerk of Court's May 17, 2023, Entry of Default [9] was proper; and the United States is entitled to a default judgment of forfeiture against the full interests of Terrence Hayes, Albert Craft, George Price, and all other persons and entities in the Defendant Property, all without the necessity of further notice to Terrence Hayes, Albert Craft, George Price, or any other person or entity.

¹ No hearing under Rule 55 of the Federal Civil Rules of Procedure is necessary because no party has made an appearance by filing a timely claim and answer within the time stated in the direct or published notice.

IT IS, THEREFORE, ORDERED AND ADJUDGED THAT:

a. The United States of America is hereby given a default judgment and a complete and final judgment of forfeiture against the full interests of Terrence Hayes, Albert Craft, George Price, and all other persons and entities in the Defendant Property described below:

Asset ID #	Asset Description
22-DEA-690766	One (1) Glock 26 9mm Caliber Pistol, Serial No. ACVX166, with One (1) 9mm Caliber Magazine, and Twelve (12) Rounds of Ammunition, seized on April 12, 2022, from Traven TyVaughn Andrus
22-DEA-690768	One (1) Glock 23 40 Caliber Pistol, Serial No. RYT966, with One (1) 40 Caliber Magazine, and Seventeen (17) Rounds of Ammunition, seized on April 12, 2022, from Traven TyVaughn Andrus
22-DEA-690769	One (1) Smith & Wesson SD40VE 40 Caliber Pistol, Serial No. FDZ1754, with One (1) 40 Caliber Magazine, and Fourteen (14) Rounds of Ammunition, seized on April 12, 2022, from Traven TyVaughn Andrus
22-DEA-700725	One (1) Springfield Armory Model XD9 Pistol, Serial No. BY500613, surrendered to DEA on May 13, 2022, by Traven TyVaughn Andrus's attorney
22-DEA-700728	One (1) Taurus PT 740 Pistol, 40 Caliber, Serial No. SEX35996, surrendered to DEA on June 29, 2022, by Traven TyVaughn Andrus's attorney

b. Any administrative claims or interests therein of any entities or persons, including Terrence Hayes, Albert Craft, George Price, and any other possible claimant are hereby canceled.

c. The Defendant Property is referred to the custody of U.S. Marshals Service and/or the Drug Enforcement Agency for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED, this 18th day of May 2023.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE